

SUBJECT	Approved For Release 2002/08/21 : CIA-RDP85B00236R000100020023-7	SYMBOL	SUSPENSE
Delegation of Declassification Authority		DAMI-ZDL	
ACTION REQUIRED To designate the Chief, DAMI-ZDL, as the declassification authority for MI-related litigation information.		DATE	12 January 1979

MEMORANDUM FOR RECORD. (Describe briefly the requirement, background and action taken or recommended. Must be sufficiently detailed to identify the action without recourse to other sources.)

1. **BACKGROUND:** The OACSI Special Project Team (Litigation) (DAMI-ZDL) supports US Army and other US Government attorneys in the defense of intelligence related litigation. A major support role is in the area of classification and releasability review of documents for use in litigation. The procedure developed for these reviews has been to conduct a preliminary review at DAMI-ZDL, coordinate with DAMI-CI, and then have the declassification act signed by an original classification authority (most often DAMI-ZD).

2. **DISCUSSION:**

a. The current practice is cumbersome, especially when a large volume of documents must be reviewed. In some cases, such as Berlin Democratic Club v. Brown, an extremely large volume of material (there are 300,000 "relevant documents") may have to be reviewed in a relatively short period of time. Paragraph 1-603b, DOD 5200.1-R, provides for the designation of officials at the lowest practicable level to exercise declassification authority in their functional areas. Designation of the Chief, DAMI-ZDL, as a declassification authority and approval of the classification guide at TAB B will significantly expedite the support rendered by OACSI to the defense of MI-related litigation.

b. The classification guide at TAB B provides explicit guidance concerning most of the material reviewed by DAMI-ZDL for litigation use. It also provides that any material not covered by the guide be reviewed by an original classification authority, as before.

c. The memorandum at TAB A designates the Chief, DAMI-ZDL, as a declassification authority for MI-related litigation information, within the limits of the classification guide at TAB B.

d. The memorandum at TAB C notifies OTTAG and OGC of this action and provides implementation guidance.

3. **RECOMMENDATION:**

IMPLICATIONS	CINFO	YES	NO	PRIM PROGS	YES	NO	BUDGET	YES	NO
COORDINATIONS									
OFFICE	NAME	PHONE	APPROVALS						
DAMI-CI	<i>Tom C. Link</i>	7393	INITIALS						
DAJA-LT	<i>ET Thompson</i>	14348	DATE						
OGC			17 JAN 79						
AUSA									
SHOW ADDITIONAL COORDINATION ON REVERSE SID. OR CONTINUATION SHEET									
ACTION OFFICER (Name, grade, phone and signature)									
PAUL VALETTE, CPT, 77992									
<i>Paul Valette</i>									

OACSI FORM 28, 13 Sep 71

REGRADED  
WHEN SEPARATED FROM CLASSIFIED  
DOCUMENT

DAMI-ZDL

SUBJECT: Delegation of Declassification Authority

- a. That the ACSI approve the classification guide at TAB B and sign the memorandum at TAB A.
- b. That the Special Assistant (Human Systems) sign the memorandum at TAB C.



Tab A

**DEPARTMENT OF THE ARMY**  
**OFFICE OF THE ASSISTANT CHIEF OF STAFF FOR INTELLIGENCE**  
WASHINGTON, D.C. 20310

DAMI-ZA

MEMORANDUM THRU CHIEF OF STAFF, US ARMY

FOR SECRETARY OF THE ARMY

SUBJECT: Delegation of Declassification Authority--INFORMATION MEMORANDUM

1. Under provisions of paragraph 1-603b, DOD 5200.1-R, dated December 1978, the individual assigned to the following position is designated to exercise declassification authority over classified information:

Chief, Special Project Team (Litigation), OACSI, DA.

2. This authority will be exercised only within the limits of the attached approved classification guide, or approved revisions thereof, for the purpose of processing documents or information for use in intelligence-related litigation matters. Material beyond the scope of the guide, or being processed for other purposes, shall be processed as prescribed in DOD 5200.1-R.

3. This authority will remain in effect until the Special Project Team (Litigation), OACSI, DA, is disestablished, unless revoked earlier.

1 Incl  
Classification Guide

CPT Valette/77992  
Word Processed by C. Casey

CLASSIFICATION GUIDE  
FOR INTELLIGENCE-RELATED LITIGATION MATTERS  
Approved by ACSI, DA

1. Purpose: UP Paragraph 1-603b, DOD 5200.1-R, this guide permits expeditious declassification review of material for use in litigation. The Special Projects Team (Litigation) (DAMI-ZDL) handles such material for OACSI in litigation as directed. The Chief, DAMI-ZDL, exercises declassification authority within the parameters of this guide for litigation information.

2. General:

a. Paragraph 2-202, DOD 5200.1-R, specifies the criteria for classification of information. Specifically, the information must fall into one of seven listed categories, and there must be a reasonable expectation that unauthorized disclosure could cause at least identifiable damage to the national security.

b. This guide deals only with material described in paragraphs 2-202b, foreign government information, and 2-202c, intelligence activities, sources, or methods. Material falling into the other categories listed in paragraph 2-202 is beyond the scope of this guide.

c. Material processed under the provisions of this guide may merit classification even though it falls into an area which is generally unclassified. All material processed will be considered in the context of Section II, Chapter II, DOD 5200.1-R, which details classification principles, criteria, and guidelines. When it is not clear whether an item is classified or not, such item will be processed in accordance with DOD 5200.1-R.

d. As necessary, OACSI, DA, will designate in writing specific items of information which require continued classification or special processing. Such designations will be used only as specified in paragraph 1, above, and will be reviewed in accordance with paragraph 6, below.

3. Foreign Government Information:

a. Foreign Government Information, as defined in paragraph 1-315, DOD 5200.1-R, will be classified in accordance with Chapter XI of that regulation.

b. The following specific guidance will be employed where material is not clearly under the purview of paragraph 3a, above:

(1) The fact that the US Army can submit suggestions for intercept of postal or telephone communications by Federal Republic of Germany (FRG) authorities, in accordance with applicable FRG law, is unclassified.

(2) The fact that the US Army suggested an intercept as described in 3b(1), above, on any specific target is unclassified, provided that there is no continuing investigation of, or related to, that target, and there is no other reason to protect the identity of that target.

(3) The fact that FRG authorities have conducted or declined to conduct any intercept, as described in 3b(2), above, of a specific target requested by the US Army is classified CONFIDENTIAL (para 2-301c7, DOD 5200.1-R), and shall be reviewed for classification in accordance with para 4-401b3, DOD 5200.1-R.

c. Foreign government information which does not clearly fall into the scope of 3a or 3b, above; will be referred to the appropriate Department of the Army functional staff element for determination of releasability.

4. Intelligence Activities, Sources, or Methods:

a. This paragraph deals only with US Army originated material. Material originated by other US Government agencies must be referred to the originating agency for review.

b. The classification of information is not terminated by its compromise through unauthorized appearance in the public domain. Reevaluation of the classification in light of such compromise is beyond the scope of this guide. However, in accordance with paragraph 2-209, DOD 5200.1-R, information which is known to have been deliberately released by an authorized declassification authority must be considered unclassified.

c. The possession by the US Army of an item of information is classified when mere admission of such possession would reveal or identify classified sources or methods of intelligence collection. Such information (even though it may not, in itself, merit classification) and the fact of its possession must be classified at the same level and for the same period of time as the methods or sources which would be compromised by their disclosure. However, otherwise unclassified information which could reasonably have been obtained through some other, unclassified, source or method does not merit such protection.

d. The fact that the US Army conducts counterintelligence investigations is unclassified.

e. The fact that the US Army in general has the capability to use wiretap and mail intercept is unclassified.

f. The fact that the US Army has intercepted wire, oral, and written communications is unclassified.

g. The fact that the US Army conducts monitoring of postal and telephone communications within its sector of Berlin for itself is unclassified.

h. The fact that any postal or telephone communication of any named individual or organization has been intercepted by the US Army in Berlin is classified at least CONFIDENTIAL, and may be classified at a higher level by an authorized original classification authority, as necessary. All such information will be reviewed for classification 20 years from date of origin (para 2-301c3, DOD 5200.1-R).

i. Except as specified in paragraph 4g, above, any information regarding the location, identification, operation, capabilities, personnel, or user agencies of the US Army monitoring facilities in West Berlin is classified at least CONFIDENTIAL, and may be classified at a higher level by an authorized original classification authority, as necessary. All such information will be reviewed for declassification 20 years from date of origin (para 2-301c3, DOD 5200.1-R).

j. The identity of an individual who has acted or is acting as an informer or covert source for US Army intelligence, or any data through which the identity of such an individual could be determined, is classified at least CONFIDENTIAL, and may be classified at a higher level by an authorized original classification authority, as necessary. All such information will be reviewed for declassification 20 years from date of origin (para 2-301c3 and 8, DOD 5200.1-R).

k. The procedures through which intelligence sources are identified, recruited, managed, or utilized are classified at least CONFIDENTIAL, and may be classified at a higher level by an authorized original classification authority, as necessary. All such information will be reviewed for declassification 20 years from date of origin (para 2-301c3, DOD 5200.1-R).

l. Details concerning training and handling of intelligence sources, to include communications systems, contact procedures, expenditures, reimbursements, transportation arrangements, etc., the disclosure of which could jeopardize the security of intelligence sources and methods, are classified at least CONFIDENTIAL, and may be classified at a higher level by an authorized original classification authority, as necessary. All such information will be reviewed for declassification 20 years from date of origin (para 2-301c3, DOD 5200.1-R).

m. The fact that any person or organization is known or suspected of being in contact with a hostile intelligence agency will be classified at least CONFIDENTIAL, and may be classified at a higher level by an authorized original classification authority, as necessary. Unless this information, in itself, reveals a classified intelligence source or method (see paragraph 4p), it will be declassified 6 years from date of origin.

n. The fact that during the course of counterintelligence investigations MI personnel have attended; recorded, either by technical or nontechnical means; and reported on public meetings of such organizations, is unclassified. The content of such reports is unclassified, unless the reports contain other information which requires classification.

o. The names of particular individuals or organizations who have been investigated because of involvement in organizations or association with other persons who published or distributed "underground" newspapers will be protected as For Official Use Only if permitted by AR's 340-16 and 340-17.

## 5. Processing:

a. **Expurgation:** Documents being processed under this guide will have all classified information expurgated before public release. Care will be exercised to expurgate only that information necessary to declassify each document. Markings which would identify a sensitive source or method will be expurgated.

b. Markings:

(1) After all classified information has been removed, classification markings will be deleted. Such deletion may be accomplished by lining through the markings. Complete removal or obliteration of the markings is not necessary.

(2) Once processing has been completed as described in paragraph 5b(1), above, the first page of each document will be marked as follows:

Declassified by authority of the Classification Guide for Intelligence Related Litigation Matters, dated \_\_\_\_\_.

On: \_\_\_\_\_ (Date)

BY: Chief, Spec Proj Tm (Litigation), OACSI, HQDA

c. Derivative Classification:

(1) Original classification authority is the authority vested in the incumbents of specific positions to make an independent determination that an item of information is classified. Derivative classification is the determination that information is in substance the same as information that has been properly classified by an original classification authority. Information derived, summarized, or otherwise extracted from a classified document, to include direct quotes, is not necessarily classified itself. Such classification determination must be made solely on the information being considered and based on the standards of EO 12065 and DOD 5200.1-R, to include specific provisions of this guide.

(2) Declassification of information extracted from a classified document and incorporated into litigation material, to include direct quotes, does not imply that the source document has been wholly declassified or reviewed for classification.

6. Review: This guide will be reviewed for currency and accuracy every 2 years, in accordance with paragraph 2-405, DOD 5200.1-R, and will become invalid when the Special Projects Team (Litigation) is disestablished.

APPROVED: \_\_\_\_\_, DATE: \_\_\_\_\_

Tab C



DEPARTMENT OF THE ARMY

OFFICE OF THE ASSISTANT CHIEF OF STAFF FOR INTELLIGENCE  
WASHINGTON, D.C. 20310

DAMI-ZDL

MEMORANDUM FOR THE JUDGE ADVOCATE GENERAL  
THE ARMY GENERAL COUNSEL

SUBJECT: Delegation of Declassification Authority--INFORMATION MEMORANDUM

1. Attached is a memorandum designating the Chief of the ACSI litigation team as the declassification authority for litigation related material and the ACSI-approved classification guide to be used in exercising this authority.
2. The purpose of this designation is to ensure continued prompt and effective support to government and civilian attorneys engaged in the government defense of intelligence-related litigation. The litigation team will be able to review and provide classification decisions on most of the material required for use in such litigation. This authority has been specifically limited to litigation-related material. Any FOIA/PA requests which are not directly related to active litigation will normally be referred to the INSCOM FOIA/PA office, or DAMI-CI.
3. The litigation team will review, on request, intelligence information desired for use in the defense or settlement of litigation. This would include the contents of US Army files, Army material referred by other agencies, pleadings, affidavits, or other documents or materials as requested. Although such requests may originate with US Army, DOJ, OAUSA, private attorneys, or from other sources, it is requested that actual written tasking authority remain within the US Army, i.e., OGC or OTJAG. Any specific tasking procedures you deem appropriate, such as oral tasking from specified attorneys, will be implemented on your request, but should be followed by written requests.
4. Even under these streamlined procedures, the quality of ACSI classification review support is directly related to the time available to accomplish it. This has not been a significant problem, and we will continue to process all requests as quickly as possible. It is not possible to provide useable estimates of the time required to review a given quantity of material. Therefore, attorneys should provide as much time as possible for review, especially when large amounts of material are concerned.





DAMI-ZDL

SUBJECT: Delegation of Declassification Authority--INFORMATION MEMORANDUM

5. Please note the limitations of the guide. Declassification authority can be delegated in this manner by providing explicit guidance concerning most intelligence-related litigation material. However, there may be some material not covered by the declassification guide. These must be referred to an original classification authority and will require more time than material covered by the guide.

FOR THE ASSISTANT CHIEF OF STAFF OF INTELLIGENCE:

1 Incl  
as

M. T. KELLY  
Special Assistant  
(Human Systems)

CF:  
AUSA, DOJ

Next 2 Page(s) In Document Exempt